



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,339	10/14/2003	G. Eric Engstrom	109909-135059	7182

25943 7590 12/28/2006
SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,339

Applicant(s)

ENGSTROM ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Blanchard et al. (US 6,415,164 B1).

Regarding claim 1, Blanchard discloses a mobile communication device (Fig. 2) comprising: a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Blanchard: Col. 2, lines 26 – 51); a navigation button (menu

keys; Fig. 2, 221 – 224); and a menu driver to facilitate a user to navigate directly from one activity to another (Blanchard: Col. 5, lines 28 – 39), in response to user inputs provided through the navigation button, including saving a first state of a first activity from which the user is navigating from, to enable subsequent re-entry into the first activity at the first state, and entering a second state of a second activity to which the user is navigating to, the second state being the state in which the user last left the second activity (Blanchard clearly discloses a first, a second, a third, a fourth and a fifth activities which can be accessed using the navigation buttons as shown in Fig. 3, whereas the user can navigate from one activity to another or vice versa (Fig. 3, 210 in the direction of Fig. 3, 350 and vice versa), moreover, the darkened elliptical, represents the states of each activities (Fig. 3, 210, 320, 330, 340 and 350), for example, the user moves from the first activity of a first state to another activity, whereas if the user wants to come back from the another activity to the first activity, the first activity, previously accessed, will show the state having a darkened elliptical that the user accessed at the first activity previously, thus, the same rationale applies to the limitation claiming “entering a second state of a second activity to which the user is navigating to, the second state being the state in which the user last left the second activity” (Blanchard: Col. 6, lines 7 – 28).

Regarding claim 2, Blanchard as applied above discloses wherein the first activity is an activity selected from a call activity, a chat activity, a radio activity, and a web browsing activity (call activity such as phone book; Fig. 3); and the

second activity is a different activity selected from the call activity (view all, recall entry, add entry, etc. under the phone book activity; Fig. 3, 320 – 324), the chat activity, the radio activity, and the web browsing activity.

Regarding claim 3, Blanchard as applied above discloses wherein the menu driver is further designed to facilitate a user to interact with selectable sub-activities of an activity as a nested scrollable list of selectable sub-activities of the activity (Fig. 3).

Regarding claim 4, Blanchard as applied above discloses wherein the mobile communication device comprises a wireless mobile phone (Fig. 2).

Regarding claim 5, Blanchard as applied above discloses a mobile communication device (Fig. 2) comprising: a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Blanchard: Col. 2, lines 26 – 51); a navigation button (menu keys; Fig. 2, 221 – 224); and a menu driver (Blanchard: Col. 5, lines 28 – 39) to facilitate a user to navigate among selectable sub-activities of an expandable sub-activity of one activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity, the scrollable list replacing the expandable sub-activity and displaying only a one of the selectable sub-activities at a time (Fig. 3 clearly shows a scrollable list nested in a presentation of the activity in any one of Fig. 3, 210, 320, 330, 340 and 350).

Regarding claim 6, Blanchard as applied above discloses wherein the activity is a selected one of a call activity, a chat activity, a radio activity, and a web browsing activity (call activity; Fig. 3, 320).

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 12, Blanchard as applied above discloses wherein the activity is a selected one of a call activity, a chat activity, a radio activity, and a web browsing activity (call activity; Fig. 3).

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kraft et al. (US 7,092,495 B2) discloses a communication terminal having a user interface.

Clayton et al. (US 6,725,022 B1) discloses a method and apparatus for enabling the selection of content on a wireless communication device.

Ausems et al. (US 2003/0013483 A1) discloses a user interface for handheld communication device.

Park (US 6,263,217 B1) discloses a mobile telephone capable of automatically rebuilding menu tree and method for controlling the same.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER



Un C Cho
Examiner
Art Unit 2617

12/14/06 